

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADOBE SYSTEMS INCORPORATED,

Case No. CV 13-04078 SI

Plaintiff,

ORDER TO SHOW CAUSE

v.

eVALUESOFTWARE.COM, LLC; JUSTIN
CATES,

Defendants.

On September 3, 2013, plaintiff Adobe Systems Inc. (“Adobe”) filed a complaint against defendants eValueSoftware.com, LLC (“eValue”) and Justin Cates, alleging causes of action for: (1) federal trademark infringement; (2) false designation of origin / false or misleading advertising / unfair competition; (3) trademark dilution; (4) federal copyright infringement; (5) unlawful, unfair, and fraudulent business practices under California’s Unfair Competition Law; and (6) breach of contract. Docket No. 1, Compl. On November 18, 2013, defendants eValue and Justin Cates waived service. Docket Nos. 16, 17.

On February 3, 2014, the Court granted plaintiff Adobe and defendant eValue’s stipulation for a preliminary injunction against eValue. Docket No. 21. On May 16, 2014, plaintiff Adobe filed a notice of conditional settlement, stating that the parties had reached a settlement in the action. Docket No. 25. In light of the settlement, the Court dismissed the action with prejudice on May 19, 2014. Docket No. 26.

1 On July 10, 2014, plaintiff Adobe and defendants eValue and Cates filed a stipulation for the
2 entry of a permanent injunction against the two defendant and dismissal of the entire action with
3 prejudice. Docket No. 27. In the stipulation, the parties for the first time refer to defendant Cates as
4 "Justin Cates ('Cates') through his guardian and conservator." *Id.* at 1. In the stipulation, the parties
5 do not explain why defendant Cates has a guardian and conservator or identify his guardian and
6 conservator. The Court notes that it has never appointed a guardian ad litem in this action for defendant
7 Cates. Accordingly, the Court ORDERS the parties to show cause as to why the permanent injunction
8 should be entered against defendant Cates by **Friday, August 1, 2014.**

9
10 **IT IS SO ORDERED.**

11 Dated: July 22, 2014



12 SUSAN ILLSTON
13 United States District Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28